

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 87-cr-80292
Hon. Matthew F. Leitman

v.

EUGENE SZYMANSKI,

Defendant.

/

**ORDER DENYING (1) MOTION FOR EVIDENTIARY
HEARING (ECF No. 839); AND (2) MOTION FOR
APPOINTMENT OF COUNSEL (ECF No. 840)**

Presently before this Court are two motions filed by Michigan prisoner Eugene Szymanski: (1) a motion for an evidentiary hearing under 28 U.S.C. § 2255(b) (Mot. for Evid. Hr'g, ECF No. 839); and (2) a motion for the appointment of counsel (Mot. for Appt't of Counsel, ECF No. 840). For the reasons provided below, the Court **DENIES** both motions.

Szymanski's motions are difficult to read. To the extent the Court can read them, it is equally difficult, if not impossible, to understand the alleged bases for either motion. However, the Court notes that they appear to assert challenges regarding Szymanski's since-revoked special parole term. (*See* Mot. for Evid. Hr'g, ECF No. 839, PageID.190-191.)

The United States Court of Appeals for the Sixth Circuit explained previously in this case that Szymanski has repeatedly (and unsuccessfully) filed petitions for a writ of habeas corpus challenging his special parole term. (*See* Sixth Circuit Order, ECF No. 836, PageID.174-176.) And, as the Sixth Circuit explained further, such “relief is not available to [Szymanski] because of his abuse of the writ” of habeas corpus. (*See id.*, PageID.176.) Accordingly, the Court concludes that Szymanski is not entitled to an evidentiary hearing on this claim. The Court therefore **DENIES** Szymanski’s motion for an evidentiary hearing (ECF No. 839.)

The Court likewise declines to grant Szymanski’s request for the appointment of counsel. (*See* Mot. for Appt’t of Counsel, ECF No. 840.) The Court may appoint counsel to a petitioner seeking relief under 28 U.S.C. § 2255 if it “determines that the interest of justice so require[.]” [18 U.S.C. § 3006A\(a\)\(2\)\(B\)](#). The Court finds that the interests of justice do not require the appointment of counsel at this time. Accordingly, the Court **DENIES** Szymanski’s motion for appointment of counsel (ECF No. 840).

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 1, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 1, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126